(3)

c-1-109

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,C.G.
WRIT PETITION NO. 1613 /2002

(Petition under article 226/227 of the Constitution of India)

PETITIONER : G.D. Banerjee, S/o late R.K. Banerjee, aged about 54 years, retired Sr. Manager (Mech), Corporate Marketing Department, Hidustan Steel Works Construction Limited, R/o 2A-KCS/8 Bhilai Distt. Durg (C.G.)

VERSUS

RESPONDENTS : R-1) Hindustan Steel Works Construction Limited, through its Chairman Cum Managing Director. A Govt. Company with registered office at 1, Shakespeare, Sarani, (8th Floor) Kolkata (W.B.)

P.R. No. 1612/02
Presented by Shri Sanjay Agrawal
dated 08.08.02

SR 2) General Manager
Hindustan Steelworks Construction Limited,
Bhilai – 490001, Distt. Durg (C.G.)

SR 3) Astt. Manager (Administration)
Hindustan Steel Works Construction Limited, Bhilai-490001, Distt. Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS, ORDERS AND DIRECTIONS ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. 1613/2002

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.8.2003

Shri Vishnu Kostha, counsel for the petitioner.

Shri Vinod Deshmukh, counsel for the respondents.

Heard.

Rejoinder is taken on record.

By this writ petition filed under Article 226/227 of the Constitution of India petitioner prays for a direction commanding the respondents that till disbursement of the petitioners retiral dues, he be allowed to retain the quarter as per the Agreement (Annexure P/4).

Petitioner submits that he sought for retirement under Voluntary Retirement Scheme, which was granted. Accordingly, he retired from service on 31.3.2000. It is further submitted that *Annexure P-4* is an agreement which was entered into regarding retention of quarter at Bhilai and he was permitted to occupy the quarter for a period of two years i.e., 24.7.2000 to 23.7.2002 on certain terms enumerated therein.

After expiry of the said period, respondents issued notice dated 08.7.2002 (*Annexure P-5*) informing him that the term would expire on 23.7.2002 and he should vacate the quarter and in case of his failure, action will be taken including eviction proceedings.

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XI-HC-22

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This petition is filed on the ground that the amount has not been disbursed.

Respondents filed the return in which it has been stated that the contentions raised by the petitioner are not correct, the petitioner has suppressed the material facts in as much as Rs. 18,55,259/- was already paid to him which was not disclosed in the writ petition.

In para 5.2(a) of the return/reply, it has been stated that the petitioner's claim to the tune of Rs.4,36,729/- in the said para is in dispute and the said amount has not been paid to any of its retired officers or employees. Stand of the respondents is that no arrears of pay revision, enhanced D.A. and other consequential difference arising out of the said enhanced DA can be made as it is sub-judice and has not been paid to any employees till date.

It is further contended that as per the agreement the house was given for a period of two years and that has expired and therefore the petitioner is not entitled for grant of relief.

Having heard and considering the facts and circumstances of the case, material on record and the fact that Rs. 18,55,259/- has already been paid and the Annexure P-4 regarding agreement for retention of quarter by which the

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	petitioner was allowed to occupy for a period of two years under the Scheme and that period has also expired on 23.7.02 and the same is required for other employees who are in waiting list, so far as the retention of quarter is concerned, no case for exercise of jurisdiction under Article 226/227 of the Constitution of India is made out. So far as the amount alleged to be due is concerned, it is specifically disputed by the respondents. As such, for that relief the petitioner may avail remedy under Industrial Law or may file suit, if so advised. With the direction aforesaid this petition is disposed of. Since it is rainy season, Counsel was asked if some time is required to vacate the premises on his furnishing an usual undertaking. Counsel submits that he has no instructions from the petitioner in this regard. Sd/- Fakhruddin Judge	

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